



ARNOLD SCHWARZENEGGER, GOVERNOR

STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

June 24, 2009

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Higashi:

The Department of Finance (Finance) has reviewed the Commission's draft staff analysis amending the Statement of Decision on Reconsideration (05-RL-4499-01) and the Amended Parameters and Guidelines (06-PGA-06) of Claim No. 4499, "Peace Officers Procedural Bill of Rights (POBOR)" pursuant to an appellate court decision.

Finance concurs with the Commission's proposed amendments to the reconsideration decision and the amended parameters and guidelines (POBOR documents). The proposed amendments are consistent with the Superior Court judgment and writ pursuant to the appellate court decision in the *Department of Finance v. Commission on State Mandates (Department of Finance)* (2009) 170 Cal.App.4th 1355. In *Department of Finance*, the court found that POBOR is not a reimbursable mandate for school districts (including community colleges districts) and special districts that are permitted by statute, but not required, to employ peace officers who supplement the general law enforcement units of cities and counties. The Commission accurately amended the language of the POBOR documents to remove school districts and specified special districts as eligible claimants for reimbursement.

As required by the Commission's regulations, a "Proof of Service" has been enclosed indicating that interested parties have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Carla Castañeda, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,

Diana L. Ducay
Program Budget Manager

Enclosure

Attachment A

DECLARATION OF CARLA CASTAÑEDA
DEPARTMENT OF FINANCE
CLAIM NO. CSM-4499, 05-RL-4499-01, 06-PGA-06

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

June 24, 2009
at Sacramento, CA

Carla Castañeda
Carla Castañeda

PROOF OF SERVICE

Test Claim Name: Peace Officers Procedural Bill of Rights (POBOR)
Test Claim Number: CSM-4499, 05-RL-4499-01, 06-PGA-06

I, the undersigned, declare as follows:

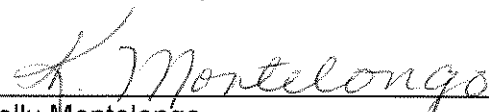
I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 12th Floor, Sacramento, CA 95814.

On 6-24-09, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 12th Floor, for Interagency Mail Service, addressed as follows:

A-16

Ms. Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Facsimile No. 445-0278

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on 6-24-09 at Sacramento, California.



Kelly Montelongo

ICC: DUCAY, LYNN, CASTAÑEDA, FEREBEE, GENEACOU, SHELTON, FILE

I:\Mandates\Finalized\Approved and Funded\POBOR\POBOR Appellate Court Denial of
Schools and Special Districts_Revised.doc